IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1110 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SARDARKHAN MOHMADKHAN SOMRA - Petitioner(s)

Versus

DIVISIONAL CONTROLLER - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.

MR MURALI DEVNANI for MR YOGESH S LAKHANI for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 04/07/2005

ORAL JUDGMENT

1. This petition is directed against the award dated 23rd June, 1995, passed by the Labour Court, Baroda in Reference [L.C.V.] No. 475/86, whereby the Labour Court has denied full back wages for the interim period.

2. The short facts of the case are that the

petitioner was working as a conductor with the respondent Corporation. On 20th June, 1983, while the petitioner was on duty, the bus was checked by the checking squad of the respondent Corporation and certain irregularities were found in the collection of the fares from the passengers. Therefore, departmental inquiry was initiated against the petitioner.

2.1. Since the charges against the petitioner were proved, he was dismissed from the service w.e.f. 15th November, 1984. Feeling aggrieved by the said order of dismissal, the petitioner raised an industrial dispute which was ultimately referred to the Labour Court for adjudication. The Labour Court while appreciating the materials placed before it, allowed the Reference thereby granting reinstatement with continuity of service but without back wages and a penalty of stoppage of two increments with cumulative effect. Hence, this petition.

3. I have heard the learned counsel for the parties and have perused the materials placed on record. The petitioner had committed misappropriation in the fares collected from the passengers. Keeping in mind the past record of the petitioner workman and with a view to see that no such irregularities are committed by the workmen in future, the Labour Court has denied the back wages and imposed a minor penalty of stoppage of two increments with cumulative effect. Even otherwise the respondent Corporation has not challenged the impugned award. Hence, I am in complete agreement with the reasonings given by the Labour Court in its impugned award and find no reason to

interfere in this petition.

4. In above view of the matter, the petition is dismissed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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